

# AUTO CR - LOG SUMMARY #1058708

TYPE: INFO

## Incident Finding / Overall Case Finding

Description of Incident	Finding	Entered By	Entered Date
	(None Entered)		

## Reporting Party Information

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
NON-CPD	Reporting Party Third Party									

## Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
29-FEB-2008 02:30 - 29-FEB-2008 02:30		1923	019	304 - STREET	

## Accused Members

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused	FIORITO, RICHARD			023 /	POLICE OFFICER	ON Duty	THE REPORTING PARTY ALLEGES THAT THE ACCUSED OFFICER CREATED FALSE AND IMPROPER POLICE REPORTS RELATED TO THE ARREST AND THE PROSECUTION OF THE VICTIM.

## Other Involved Parties

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
NON-CPD	Victim/Subject									

## Involved Party Associations

Role	Rep. Party Name	Related Person	Relationship
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## Incident Details

CR Required?		Manner Incident Received?	LETTER
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N	Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:	1:12-CV-08758	Civil Suit Settled Date:	
Notify Chief Administrator?	N	Notify Chief?	
Notify Coordinator?		Notification Does Not Apply?	Y
Notification Other?	N		
Notification Comments:			

## Incident Category List

Incident Category	Primary?	Initial?
10T - GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY) REPORTS	Y	Y
05R - GROUP 05 - OFFICE OF PROFESSIONAL STANDARDS INVESTIGATIONS CIVIL SUITS - THIRD PARTY	N	Y

## Investigator History

## Investigator History

Investigator	Type	Assigned Team	Assigned Date	Scheduled End Date	Investigation End Date	No. of Days
HARRIS, GWENDOLYN	Primary	GENERAL INVESTIGATION SECTION	07-DEC-2012	06-JAN-2013		2413
BRODERDORF, RAY	Supervisor	GENERAL INVESTIGATION SECTION	07-DEC-2012	06-JAN-2013		

## Extension History

Name	Previous Scheduled End Date	Extended Scheduled End Date	Date Certified Letter Sent	Reason Selected	Explanation	Extension Report Date	Approved By	Approved Date	Approval Comments
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## Current Allegations

Accused Name	Seq. No.	Allegation	Category	Subcategory	Finding
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## Situations (Allegation Details)

Accused Name	Alleg. No.	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
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## Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
ADMINISTRATIVELY CLOSED	14-DEC-2012 01:20	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121 /	Accused retired in 2011
PENDING INVESTIGATION	07-DEC-2012 08:26	PIONKE, JOSEPH	SERGEANT OF POLICE	121 /	
PENDING ASSIGN INVESTIGATOR	03-DEC-2012 01:30	CLARK, SUSAN	LIEUTENANT OF POLICE	121 /	
PENDING APPROVE TEAM	03-DEC-2012 12:26	DEL RIVERO, MINERVA	POLICE OFFICER	121 /	Per ICLEAR-no arrest rpt located for date given.
PENDING ASSIGN TEAM	30-NOV-2012 05:07	DEAN, BRUCE	SUPERVISING INV COPA	113 /	
PENDING SUPERVISOR REVIEW	30-NOV-2012 04:08	STEWART, DENISE	INTAKE AIDE	113 /	
PRELIMINARY	30-NOV-2012 07:58	DEL RIVERO, MINERVA	POLICE OFFICER	121 /	
PENDING ASSIGN TEAM	29-NOV-2012 09:05	DEAN, BRUCE	SUPERVISING INV COPA	113 /	
PENDING SUPERVISOR REVIEW	29-NOV-2012 07:41	STEWART, DENISE	INTAKE AIDE	113 /	
PRELIMINARY	29-NOV-2012 07:40	STEWART, DENISE	INTAKE AIDE	113 /	

## Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
1	FACE SHEET					STEWART, DENISE	29-NOV-2012 07:40			
1	INVESTIGATION					HARRIS, GWENDOLYN	07-DEC-2012 09:34			
2	CONFLICT CERTIFICATION					HARRIS, GWENDOLYN	10-DEC-2012 11:54			
	DOCUMENTS - INTAKE INCIDENT		18	CASE NUMBER: [REDACTED]	N	STEWART, DENISE	30-NOV-2012 03:48	APPROVED		

## Review Incident

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
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## Review Accused

Review Accused

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
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Accused Finding History

Accused	Allegation	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Finding	Finding Comments
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Accused Penalty History

Accused	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Penalty	Penalty Comments
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Findings

Accused Name	Allegations	Category	Concur?	Findings	Comments
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# FACE SHEET (Notification Date: 29-NOV-2012) - LOG #1058708

TYPE: INFO

## Reporting Party Information

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NON-CPD	Reporting Party Third Party									

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Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N		
Motor Vehicle (V)?		Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
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EEO Complaint No.:			
Civil Suit No.:	1:12-CV-08758	Notify Chief?	
Notify Chief Administrator?	N	Notification Does Not Apply?	Y
Notify Coordinator?			
Notification Other?	N		

## Initial Incident Category List

Initial Incident Category	Primary?
10T - GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY) REPORTS	Y
05R - GROUP 05 - OFFICE OF PROFESSIONAL STANDARDS INVESTIGATIONS CIVIL SUITS - THIRD PARTY	N

## Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
IAD	GENERAL INVESTIGATION SECTION	HARRIS, GWENDOLYN (PRIMARY INV)	07-DEC-2012 08:26	PIONKE, JOSEPH	
IAD	GENERAL INVESTIGATION SECTION	BRODERDORF, RAY (SUPERVISOR)	07-DEC-2012 08:26	PIONKE, JOSEPH	
IAD	GENERAL INVESTIGATION SECTION	-	03-DEC-2012 12:26	DEL RIVERO, MINERVA	
IAD	INTERNAL AFFAIRS DIVISION	-	29-NOV-2012 19:40	STEWART, DENISE	

## Status History

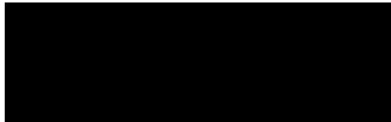
Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
ADMINISTRATIVELY CLOSED	14-DEC-2012 01:20	MUZUPAPPA, PHYLLIS	SERGEANT OF POLICE	121 /	Accused retired in 2011
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PRELIMINARY	29-NOV-2012 07:40	STEWART, DENISE	INTAKE AIDE	113 /	

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

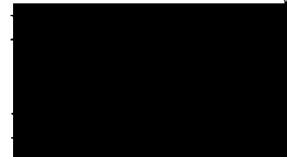
SUMMONS IN A CIVIL CASE



CASE NUMBER:



ASSIGNED JUDGE:



DESIGNATED  
MAGISTRATE JUDGE:



BY \_\_\_\_\_  
2012 NOV 23 PM 9:03

V.

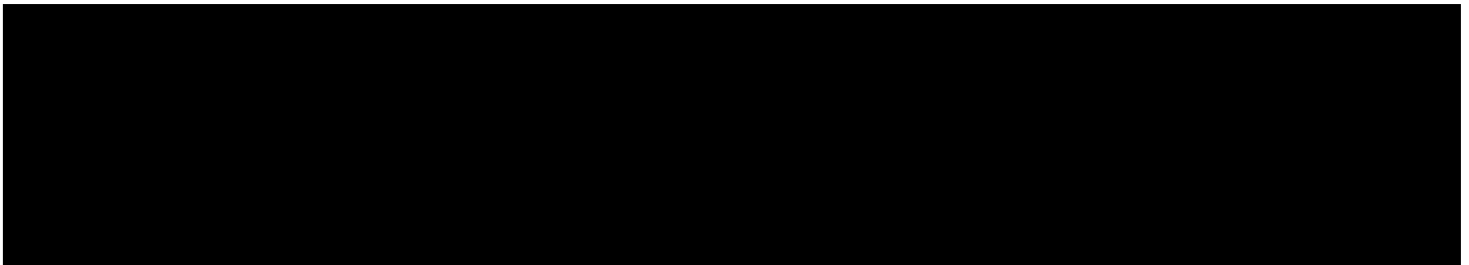
CITY OF CHICAGO and CHICAGO POLICE  
OFFICER, RICHARD FIORITO, star # 11624

TO: (Name and address of Defendant)

City of Chicago  
c/o Susan A. Mendoza  
121 N. LaSalle, Room 107  
Chicago, IL 60602

RECEIVED  
12 NOV 21 AM 9:40  
OFFICE OF THE  
CLERK

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)



an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service. Thom

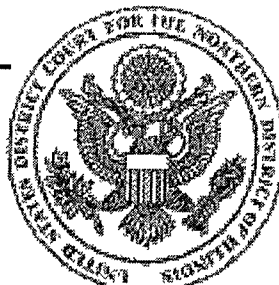
NOTE: When the print dialogue  
box appears, be sure to uncheck  
the Annotations option.

THOMAS G. BRUTON, CLERK

THOMAS G. BRUTON, CLERK  
(By) DEI

*Nadine Shirley*

(By) DEPUTY CLERK



DATE

November 20, 2012

DATE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

[REDACTED]	)	
Plaintiff,	)	
v.	)	No.
	)	
CITY OF CHICAGO and CHICAGO	)	
POLICE OFFICER, R. FIORITO,	)	
Star # 11624,	)	
Defendant.	)	

**COMPLAINT**

Now comes Plaintiff [REDACTED] by and through his attorney, [REDACTED]  
and complains of Defendants, City of Chicago and Chicago Police Officer, Richard  
Fiorito, star # 11624, as follows:

**INTRODUCTION**

- 1) This action is brought pursuant to 42 U.S.C. § 1983 to address deprivations of Plaintiff's rights under the Constitution of the United States of America.

**JURISDICTION**

- 2) The jurisdiction of this Court is invoked pursuant to the Civil Rights Act, 42 U.S.C. § 1983, and § 1985; the Judicial Code 28 U.S.C., § 1331 and 1343(a); the Constitution of the United States; and pendent jurisdiction as provided under U.S.C. § 1367(a). Plaintiff further invokes the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367 to hear and decide claims arising out of state law.

### **PARTIES**

- 3) Plaintiff, [REDACTED] resides in Chicago, County of Cook, State of Illinois and is a United States citizen.
- 4) Defendant, Richard Fiorito, was at all times pertinent to this cause an employee of the City of Chicago Police Department. At all times relevant and pertinent, Defendant Fiorito acted under color of law as a duly appointed Chicago Police Officer and within the scope of his employment.
- 5) Defendant, City of Chicago, is a municipal corporation organized under the laws of the State of Illinois. Said corporation is responsible for the policies, procedures, and practices implemented through its' various agencies, agents, departments and employees, and for injury occasioned thereby. It was or is the employer of the Defendant, Fiorito.

### **BACKGROUND**

- 6) On or about February 12, 2008, on or about 2:30am [REDACTED] was driving north on [REDACTED]
- 7) [REDACTED] had one passenger in his car at the time.
- 8) At or about [REDACTED] noticed he was being followed by a marked City of Chicago police vehicle. Said vehicle followed [REDACTED] for approximately  $\frac{3}{4}$  of a mile to approximately [REDACTED]



- 9) [REDACTED] his vehicle at approximately [REDACTED] [REDACTED] and exited his vehicle.
- 10) Defendant, Fiorito, stopped his vehicle on Dakin and remained in his car.
- 11) [REDACTED] upon seeing that he was being observed by Officer Fiorito, approached Defendant Fiorito's vehicle and asked Defendant Fiorito, "Hey Brother, is it ok if I park in this spot?" Defendant Fiorito responded "I am not your fucking brother!"
- 12) Defendant Fiorito told [REDACTED] he was to remain in the immediate vicinity for an interview and instructed him to perform various field sobriety tests on icy and snow covered ground.
- 13) Defendant, Fiorito, instructed him to proceed with the tests. [REDACTED] successfully performed all tests and otherwise acted in accordance with Defendant Fiorito's instructions.
- 14) [REDACTED] requested that he be free to leave. Defendant Fiorito informed him that he was not free to go yet was not read his Miranda rights and, as such, was effectively under arrest;
- 15) Without any lawful basis, Defendant, Fiorito, seized the person and property of [REDACTED]
- 16) Without any lawful basis, Defendant, Fiorito, charged [REDACTED] with failure to stay in lane, failure to stop at stop sign, failure to wear a seat belt; operating a vehicle without insurance and DUI.

- 17) On February 12, 2008 at approximately 3:30am, [REDACTED] was taken into custody of the Chicago Police Department.
- 18) [REDACTED] automobile was impounded.
- 19) [REDACTED] was transported to Belmont and Western Police Station and incarcerated for approximately nine (9) hours.
- 20) On February 12, 2008, Defendant Fiorito created false and improper police reports related to the arrest and prosecution of [REDACTED]
- 21) The charge of DUI against [REDACTED] has been dismissed in a manner indicative of his innocence.
- 22) As a direct and proximate result of Defendant Fiorito's conduct, [REDACTED] [REDACTED] was injured, including but not limited to his mind and body; he continues to suffer from physical, emotional, and psychological injuries inflicted by Defendant, Fiorito.
- 23) As a direct and proximate result of the extraordinary misconduct described above, [REDACTED] suffered and continues to suffer from physical injuries, fear, paranoia, stress, anxiety, loss of his freedom, damage to his reputation, lost wages, loss of driver's license.
- 24) As a direct and proximate result of the extraordinary conduct described above, [REDACTED] incurred air travel expenses in an amount in excess of twenty thousand (\$20,000.00) dollars to travel from Los Angeles, CA to Chicago, IL to defend himself against the unlawful arrest by Defendant Fiorito.

25) Defendant, Fiorito, as a matter of routine, violates the civil rights of citizens by performing unlawful arrests of citizens so that he can earn additional pay for court attendances.

26) Defendant City encourages such unlawful arrests by aligning the pecuniary interests of police officers with the frequency of any arrests made, regardless of the arrests' validity.

27) [REDACTED] was arrested as part of Defendant, Fiorito's unlawful routine described above.

#### **BACKGROUND REGARDING FIORITO**

28) What Defendant Fiorito has done to Plaintiff [REDACTED] he has also done to others under the same or strikingly similar circumstances including but not limited to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And [REDACTED] (hereafter referred to as "the similarly situated individuals.")

- 29) The similarly situated individuals were arrested and unlawfully charged with DUI by Defendant FIORITO in the Lakeview neighborhood of Chicago, which is in the Northern District of Illinois.
- 30) Defendant, Fiorito, is a present employee and agent of the Chicago Police Department. At all times relevant, Defendant, Fiorito, acted under color of law as a duly appointed Chicago Police Officer and within the scope of his employment.
- 31) Defendant City is a municipal corporation organized under the laws of the State of Illinois.
- 32) Defendant City is responsible for the policies, procedures, and practices implemented through its various agencies, agents, departments, and employees, and for injury occasioned thereby.
- 33) Defendant City was or is the employer of the Defendant, Fiorito.
- 34) Since at least 2003, Defendant, Fiorito, has engaged in a continuing course of conduct, motivated pecuniary gain; and, also, since at least 2003 has conspired with other officers to deprive the similarly situated individuals including plaintiff and others of their constitutional rights in order to pursue pecuniary gain.
- 35) This course of conduct includes stopping unimpaired drivers without probable cause and charging them with Driving Under the Influence ("DUI"), as part of an ongoing scheme to accumulate overtime pay for court appearances.

- 36) All of the similarly situated individuals, including Plaintiff, were arrested by Defendant, Fiorito.
- 37) All of the similarly situated individuals' arrests involved a common set of improper practices by Defendant, Fiorito.
- 38) All of the similarly situated individuals were arrested and charged with DUI as part of a series of transactions which cumulatively comprise a single continuing course of conduct or scheme.
- 39) All of the similarly situated individuals' arrests including Plaintiff's were the result of the institution of false charges for personal gain.
- 40) As part of this course of conduct, Defendant, Fiorito, administered the Standardized Field Performance Tests to all of his arrestees in non-compliance with Chicago Police Department and National Highway Traffic Safety Administration procedures and then falsified police reports and testimony to indicate that he did comply with the procedures.
- 41) As part of this course of conduct, Defendant, Fiorito, falsely testified in police reports and in court, with striking similarity, that his arrestees uniformly failed all field sobriety tests.
- 42) As part of this course of conduct, Defendant, Fiorito, routinely prevented his arrestees from taking a breath or blood test by trickery, failing to offer such tests or by falsely attributing a refusal to his arrestee.
- 43) As part of this course of conduct, Defendant, Fiorito, routinely testified falsely in his reports that drivers, including all of the similarly situated

individuals including Plaintiff, were “staggering,” and/or “cannot keep their balance,” “cannot perform tests,” “demonstrates nystagmus,” “has a strong odor of alcohol,” have “red, blood-shot eyes,” were “combative” and spoke with “slurred, mumbled, thick-tongued speech.”

- 44) As part of this course of conduct, and with striking similarity from arrest to arrest, Defendant, Fiorito, routinely testified falsely in police reports and in court that drivers “fail to stay in lanes,” “swerve, speed, drive without headlights,” “almost strike parked cars,” and “fail to wear seatbelts.”
- 45) The striking similarities between each of Defendant’s reports and the repetitious word choice are not coincidence, but rather a modus operandi utilizing a purposeful use of language designed to create the appearance of probable cause and sustain a conviction.
- 46) Defendant, Fiorito, worked the midnight shift at the 23rd Police District.
- 47) Defendant, Fiorito, has made hundreds of DUI arrests per year during his employment with the Chicago Police Department.
- 48) Police Officers that are regularly scheduled to work during court hours do not necessarily receive overtime for court appearances.
- 49) Officers that are regularly scheduled to work the midnight shift almost always receive overtime for court appearances as this is work outside of their regular shift.

- 50) Defendant, Fiorito, has engaged in a course of conduct to ensure as many court appearances as possible in order to obtain as much overtime pay as possible.
- 51) In fact, Defendant, Fiorito, had been in court every day of the week, on a regular basis, either at the Daley Center or at [REDACTED]
- 52) On November 4, 2009, the Cook County State's Attorney indicated publicly that because "there are serious questions regarding Fiorito's credibility," Defendant, Fiorito, would no longer be used as witness for the prosecution.
- 53) On information and belief, since that announcement, the State's Attorney began dismissing all Fiorito cases.

#### **PATTERN AND PRACTICE**

- 54) The continuing course of conduct described above and below constitutes a pattern and practice, with the silent and implicit approval of unknown supervising officers, as well as the express agreement with and cooperation of other assisting arresting officers, to obtain financial gain through the unlawful arrests and malicious prosecutions of innocent drivers.
- 55) This pattern and practice constitutes a single series of transactions.
- 56) Defendant, Fiorito, took advantage of a unique set of circumstances in order to ensure great personal financial gain.

57) As a midnight officer, Defendant, Fiorito, is paid overtime every time he goes to court because, under the current police contract, whenever a court appearance is required when one is not on their shift, overtime is guaranteed.

58) As a midnight officer, Defendant, Fiorito's court appearances never occur when he was on shift.

59) Defendant, Fiorito, worked the midnight shift at the 23<sup>rd</sup> Police District and had always worked this shift while employed by the Chicago Police Department. Defendant, Fiorito, has thwarted all attempts and/or suggestions to change his shift from the midnight shift to some other shift.

60) When the Chicago Police Department removed the "Court Sergeant" position several years ago, they created an opportunity for traffic officers to abuse the overtime system by appearing in court when not subpoenaed or notified to be there. Defendant, Fiorito, routinely appeared in court when neither subpoenaed nor notified to be there.

61) Due to the overwhelming volume of Defendant, Fiorito's arrests (along with a handful of other police officers, including Parker and Haleas, all of whom are or were midnight DUI officers) the City and the Circuit Court of Cook County had to accommodate by adding numerous so-called "key dates."

62) Key dates are the once-a-month dates for which an officer is scheduled to appear in court and for which day his cases are assigned.



63) The vast majority of police officers have a single key date, meaning that they appear in court once a month.

64) On information and belief, Defendant, Fiorito, had four key dates, but was actually in court, on a regular basis, every day of the week.

### **COUNT I**

#### **False Imprisonment – 42 U.S.C. Section 1983**

65) [REDACTED] realleges and reincorporates all previous paragraphs.

66) The actions of Defendant, Fiorito, described above, whereby Defendant, Fiorito, knowingly arrested and imprisoned [REDACTED] without probable cause or any other justification, constituted deliberate indifference to his rights under the U.S. Constitution, thus violating the Fourteenth and Eighth Amendments to the United States Constitution.

67) As a direct and proximate result of the above-detailed actions of Defendant, Fiorito, [REDACTED] was injured, including severe physical injuries, pain, mental suffering, anguish, emotional injuries, lost wages, incurrence of air travel costs, loss of his driver's license, and humiliation.

WHEREFORE, [REDACTED] demands judgment be entered in his favor and that he be awarded compensatory and punitive damages, reasonable attorney's fees, costs and expenses and such other and further relief that this Honorable Court deems just.

### **COUNT II**

#### **Illegal Search and Seizure – 42 U.S.C. Section 1983**

68) [REDACTED] realleges and reincorporates all previous paragraphs.

69) The searches and seizures of [REDACTED] person and property, performed willfully and wantonly by the Defendant, Fiorito, was in violation of [REDACTED] right to be free of unreasonable searches and seizures under the Fourth Amendment to the Constitution of the United States and 42 U.S.C. Section 1983.

70) As a proximate result of the above-detailed actions of Defendant Fiorito, [REDACTED] was injured, including the deprivation of his liberty and the taking of his property. In addition, the violations proximately caused him great mental anguish and humiliation, exposed Plaintiff to public scandal and disgrace, and caused him to incur various expenses, all to [REDACTED] damage.

WHEREFORE, [REDACTED] demands judgment be entered in his favor and that he be awarded compensatory and punitive damages, reasonable attorney's fees, costs and expenses and such other and further relief that this Honorable Court deems just.

### **COUNT III**

#### **42 U.S.C. Section 1983 *Monell* Claim**

71) Plaintiff realleges and incorporates all of the allegations in the preceding paragraphs.

72) The actions of the individual Defendant as alleged above were done pursuant to one or more de facto policies, practices and/or customs of the

City of Chicago, Chicago Police Department, the CPD's Office of Professional Standards, and the CPD's Internal Affairs Division.

73) Among the de facto policies of the municipality and its agents were:

- a. The failure to properly investigate allegations of police misconduct.
- b. The failure to have a system which monitors patterns of alleged police misconduct.
- c. The failure to properly discipline sustained allegations of police misconduct.
- d. The failure to properly maintain records of police misconduct and allegations of police misconduct, including false arrest.
- e. The failures to properly hire, train, monitor, and/or supervise officers.
- f. A de facto policy, practice, and custom of the police code of silence results in police officers refusing to report instances of police misconduct of which they are aware, including the use of excessive force and the maltreatment of persons, despite their obligation under Department regulations to do so. This conduct included police officers who remain silent or give false or misleading information during official investigations in order to protect themselves or fellow officers from internal discipline or retaliation, civil liability, or criminal prosecution.
- g. The act of filing excessive Driving Under the Influence (DUI) charges for the purpose increasing their individual compensation.
- h. The failure to properly verify the validity of DUI charges.

74) The aforementioned policies, practices, and customs, individually and collectively have been maintained and/or implemented with deliberate indifference by the Defendant City of Chicago, and its subsidiary departments, Office of Professional Standards, and Internal Affairs Division, and have encouraged the individual Defendants to commit the aforesaid wrongful acts against plaintiffs, and therefore acted as a direct and proximate cause of the complained of Constitutional and other legal violations, and Plaintiff's injuries.

WHEREFORE, Plaintiffs request that judgment be entered in favor of Plaintiff and against Defendant City of Chicago, and that Plaintiff be awarded compensatory damages, reasonable attorney's fees, costs, expenses and any other relief that this Honorable Court finds appropriate and just.

#### **COUNT IV**

##### **745 ILCS 10/9-102**

75) [REDACTED] realleges and reincorporates all previous paragraphs.

76) Defendant City of Chicago is the employer of Defendant, Fiorito.

77) Defendant, Fiorito, committed the acts alleged above under color of law and in the scope of employment as an employee of the City of Chicago.

WHEREFORE, should individual Defendant officer be found liable on one or more of the claims set forth above, [REDACTED] demands that, pursuant to 745 ILCS 10/9-102, the Defendant City be found liable for any judgment [REDACTED] obtains against said Defendant, as well as attorneys fees and costs awarded.

**COUNT V**

**Malicious Prosecution — State Claim Against City and Officer**

78) [REDACTED] realleges and reincorporates all previous paragraphs.

79) By the actions detailed above, Defendant, Fiorito, knowingly sought to and did, in fact, maliciously prosecute Plaintiff on false charges for which he knew there was no probable cause.

80) The Defendant City is sued in this Count pursuant to the doctrine of Respondeat Superior, in that Defendant, Fiorito, performed the actions complained of while on duty and in the employ of Defendant City, and while acting within the scope of this employment.

81) As a direct and proximate result of the malicious prosecution, [REDACTED] was damaged, including the value of his lost liberty, attorneys' fees, lost work, exposure to public scandal and disgrace, damage to reputation, mental and emotional suffering, loss of driver's license, humiliation, and anguish.

WHEREFORE, [REDACTED] demands judgment be entered in his favor and that he be awarded compensatory and punitive damages, reasonable attorney's fees, costs and expenses and such other and further relief that this Honorable Court deems just.

**COUNT VI**

**Intentional Infliction of Emotional Distress Against City and Officer**

82) Plaintiff, [REDACTED], realleges and reincorporates all previous paragraphs.

83) The above-detailed conduct by Defendant, Fiorito, was extreme and outrageous, exceeding all bounds of human decency.

84) Defendant, Fiorito, performed the acts detailed above with the intent of inflicting severe emotional distress on [REDACTED] or with knowledge of the high probability that the conduct would cause such distress.

85) As a direct and proximate result of this conduct, [REDACTED] did, in fact, suffer severe emotional distress, resulting in injury to his mind, body, and nervous system, including loss of sleep, mental anguish, nightmares, anxiety attacks, stress disorders, phobias, and flashbacks.

86) As of the filing of this Complaint, [REDACTED] continues to suffer from the above described injuries caused by the extreme and outrageous conduct of the Defendant, Fiorito.

87) The Defendant City is sued in this Count pursuant to the doctrine of Respondeat Superior, in that Defendant Fiorito performed the actions complained of while on duty and in the employ of Defendant City, and while acting within the scope of this employment.

WHEREFORE, [REDACTED] demands judgment be entered in his favor and that he be awarded compensatory and punitive damages, reasonable attorney's fees, costs and expenses and such other and further relief that this Honorable Court deems just.

**PLAINTIFF DEMANDS TRIAL BY JURY.**

Respectfully Submitted,

[REDACTED]

By his attorney:

[REDACTED]